

REMARKS

This paper is filed in response to the Office Action mailed June 28, 2006.

Claims 1-28 are pending in this application. Claims 1-17 and 19-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,880,411 to Gillespie et al. (hereinafter referred to as "Gillespie"). Claims 18 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gillespie in view of U.S. Patent No. 6,118,435 to Fujita et al (hereinafter referred to as "Fujita"). The Examiner also noted that the Information Disclosure Statements filed on November 26, 2003 and March 10, 2004 did not include a legible copy of each non-patent reference.

Applicant has amended claims 1 and 19. No new matter is added by these amendments, and support may be found in the specification and claims as originally filed.

Reconsideration and allowance of all claims are respectfully requested in view of the amendments above and remarks below.

Information Disclosure Statement

Applicant will re-submit the non-patent references in a further Information Disclosure Statement in compliance with 37 C.F.R. § 1.98(a)(2).

Claims 1-17 and 19-27 – § 102(b) – Gillespie

Applicant respectfully traverses the rejection of claims 1-17 and 19-27 under 35 U.S.C § 102(b) as being anticipated by Gillespie.

To anticipate a claim under 35 U.S.C. § 102(b), the reference must disclose each and every element of the claimed invention. *See* M.P.E.P. § 2131.

Because Gillespie does not disclose "comparing the pressure signal to an adaptive pressure threshold value based at least in part on a tick count" as recited in amended claim 1, Gillespie does not anticipate claim 1. Support for this amendment may be found in the specification and claims as originally filed. For example, in paragraph 35, the specification recites using a tick count to allow the adaptability of the algorithm for determining the threshold

value. Further, paragraphs 31 through 36 describe one embodiment of the invention using the tick count.

Gillespie discloses a calibration mechanism for automatically calibrating a threshold for pressure to indicate the presence of a finger, however, Gillespie does not teach wherein the pressure threshold value is based at least in part on a tick count. Thus, Gillespie does not anticipate claim 1.

Like claim 1, claim 19 recites “comparing the pressure signal to an adaptive pressure threshold value based at least in part on a tick count.” Gillespie does not anticipate claim 19 for at least the same reason as claim 1. Applicant respectfully requests the Examiner withdraw the rejection of claims 1 and 19.

Because claims 2-17 and 20-27 depend from and further limit claims 1 and 19, claims 2-17 and 20-27 are patentable over Gillespie for at least the same reason. Applicant respectfully requests the Examiner withdraw the rejection of claims 2-17 and 20-27.

Claims 18 and 28 – § 103(a) – Gillespie in view of Fujita

Applicant respectfully traverses the rejection of claims 18 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Gillespie in view of Fujita.

To reject a claim under 35 U.S.C. § 103(a), the combined reference must teach or suggest each and every element of the claimed invention. *See* M.P.E.P. § 2143.03

Because Gillespie in view of Fujita does not teach or suggest “comparing the pressure signal to an adaptive pressure threshold value based at least in part on a tick count” as recited in claims 1 and 19, from which claims 18 and 28 depend, claims 18 and 28 are patentable over the combined references. As discussed above, Gillespie does not teach or suggest “comparing the pressure signal to an adaptive pressure threshold value based at least in part on a tick count.” Fujita does not cure this deficiency. Fujita discloses a touch-sensitive screen, however, Fujita does not teach or suggest “comparing the pressure signal to an adaptive pressure threshold value based at least in part on a tick count.” Thus, claims 18 and 28 are patentable over Gillespie in view of Fujita. Applicant respectfully requests the Examiner withdraw the rejection of claims 18 and 28.

Prior Art Made of Record and Not Relied Upon

In the Conclusion, the Office Action lists references which were made of record and not relied upon. Applicant respectfully traverses the characterization and relevance of these references as prior art or otherwise, and respectfully reserves the right to present such arguments and other material should the Examiner maintain rejection of Applicant's claims, based upon the references made of record and not relied upon or otherwise.

CONCLUSION

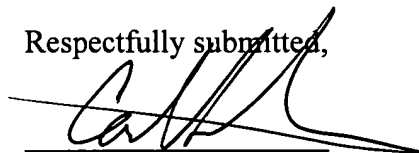
Applicant respectfully asserts that in view of the amendments and remarks above, all pending claims are allowable and Applicant respectfully requests the allowance of all claims.

Should the Examiner have any comments, questions, or suggestions of a nature necessary to expedite the prosecution of the application, or to place the case in condition for allowance, the Examiner is courteously requested to telephone the undersigned at the number listed below.

Date:

9/28/2006

Respectfully submitted,



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